

R E M A R K S

Claims 1-11 are now in this application, and are presented for the Examiner's consideration.

Telephone Interview

At the outset, the undersigned would like to thank Examiner McPartlin for the courteous telephone interview afforded the undersigned on November 1, 2007.

The substance of the interview will be discussed throughout this Amendment.

However, in the interview, the Examiner indicated that the proposed limitations to the claims, which have been incorporated herein, would appear to not present new matter and would appear to distinguish over the prior art of record, subject to further searching.

Prior Art Rejections

Claims 1 and 5 were rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,746,081 to Klingler.

The primary basis for this rejection is that the cross bars 2, 6, 9 in Klingler can alternatively be made of "plastic" (column 5, line 43) and as well as the plate-like support element (unlabeled) made of "fibre-reinforced plastic" (column 5, line 46) and connected to the cross bars 2, 6, 9.

However, as pointed out in the telephone interview, cross bars 2, 6, 9 are primarily metal wires, as is conventional in the art. Klingler states that, instead of metal wires, plastic profiled sections can be used, preferably reinforced with glass or carbon fibers.

In Klingler, the metal wires 2, 9 are connected to the supporting part 1 by being fastened in mountings 12, 13 in the supporting part 1 (column 6, lines 9-12). Figs. 3 and 4 show mounting of the wires to the supporting part 1 by a mechanical connection. In Klingler, even if the wires are plastic profiled sections, preferably reinforced with glass or carbon fibers, they would still be connected to supporting part 1 by these mechanical connections.

If it had been obvious to form the cross bars 2, 9 and the plate-like support element 1 of Klingler in one piece, then the question would arise why Klingler bothers at all to invent a mechanism for snap-fastening the plate-like support element 1 to the cross bars 2, 9. If it had been obvious to form the cross bars 2, 9 and the support element 1 in one piece, then, such a snap-fastening mechanism would have been unnecessary.

As discussed during the interview, a person of ordinary skill in the art would take for granted that the cross bars 2, 6, 9 and the support element must be formed of different materials. The reason is that the elastic properties required from these components are fundamentally different from one another.

Since the support plate of the lordosis support of Klingler can be arched (column 5, lines 58-61), the distance between the upper and lower edges of the support element 1 in Fig. 1 may vary to a considerable degree, and such variations must be absorbed by the cross bars 2, 6, 9 which, accordingly, must have a low bending strength and must also be elastically expandable (because they will be expanded to a considerable degree when the upper and lower edges of the plate 1 are drawn together). This is why Klingler prefers to make the cross bars 2, 6, 9 from metal wires. Although Klingler proposes that plastic profiled sections or cables may be used instead of metal wires, it will be understood that such profiled sections or cables must have similar elastic properties as the metal wires.

In contrast, the plate-like support element of the present invention has the main function to support the lordosis of the user, and, consequently, must be comparatively rigid.

Thus, even if Klingler suggests that the cross bars 2, 6, 9 can be made from (reinforced) plastic, it is by no means obvious that one and the same material could be used for the cross bars 2, 6, 9 and the plate-like support element 1, and, consequently, that these components could be molded in one piece. As discussed during the interview, support for the same is found at page 3, lines 25-27; page 6, lines 24-27; page 7, lines 8-10; and original claim 7, which discusses the forming of the cross bars and the lordosis support in a single molding operation with a

single mold, whereby it would be necessary to use the same plastic material for all components.

As discussed during the interview, the present claimed invention thereby distinguishes from Klingler at least by:

- a) the cross bars are made of a plastic material;
- b) the cross bars are molded to the longitudinal bars;
- c) the lordosis support has a plate-like support element made of plastic;
- d) the cross bars and the lordosis support are formed in one piece; and
- e) the plate-like support element and the at least one of the cross bars are made of the same plastic material.

It was stated in the Office Action that claim 1 is a product by process claim, presumably because of the recitation of a lordosis support having a plate-like support element made of plastic and formed in one piece with at least one of the cross bars. As pointed out in the interview, this is a structural limitation. This is similar to stating that two components are connected together by screws, which is a structural limitation.

However, it was discussed during the interview to better recite the structure. In this regard, it was proposed to amend claim 1 to recite "a single, one-piece molded structure comprised of the plate-like support element and at least one of the cross bars, with the plate-like support element and the at least one of the cross bars being made of the same plastic material."

The Examiner indicated that such language would appear to distinguish over the prior art of record, and would appear to not constitute new matter.

It is therefore submitted that claims 1 and 5 patentably distinguish over Klingler.

It is further noted that claims 7-11 are method claims that depend from claim 1. Claim 11 has been further amended in accordance with the amendment to claim 1 to recite that the step of simultaneously molding the plate-like support element in one piece with said at least one of the cross bars occurs with the same plastic material.

Accordingly, it is respectfully submitted that the rejection of claims 1 and 5 under 35 U.S.C. §103(a) has been overcome.

Claims 2-4 and 6 were rejected under 35 U.S.C. §103(a) as being obvious from Klingler in view of U.S. Patent No. 6,152,531 to Deceuninck.

The remarks previously made above in regard to Klingler are incorporated herein.

Deceuninck was merely cited for disclosing longitudinal bars 1 formed in a known manner of paper wrapped or plastic coated steel wire. However, in addition to there being no plate-like support element, the cross bars 3 are formed as metal wires.

Therefore, Deceuninck fails to cure any of the
aforementioned deficiencies of Klingler.

Accordingly, for the same reasons given above in regard to
claim 1, it is respectfully submitted that the rejection of
claims 2-4 and 6 under 35 U.S.C. §103(a), has been overcome.

Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as
being obvious from Klingler in view of U.S. Patent No. 4,722,821
to Vermilye.

The remarks previously made above in regard to Klingler are
incorporated herein.

First, Vermilye is directed to a method of making a cascade
basket for a thrust reverser, which has no relation at all to the
subject matter of the present claimed invention. In any event,
Vermilye, at most, discloses molding plastic onto metal wires.

However, Vermilye, even if combined with Klingler, would
still fail to disclose or suggest:

- a) cross bars in a seat inlay made of a plastic material;
- b) cross bars in a seat inlay molded to the longitudinal
bars;
- c) a lordosis support having a plate-like support element
made of plastic;
- d) the cross bars and the lordosis support being formed in
one piece; and

e) the plate-like support element and the at least one of the cross bars being made of the same plastic material.

Therefore, it is submitted that Vermilye fails to cure any of the aforementioned deficiencies of Klingler.

Accordingly, for the same reasons given above in regard to claim 1, it is respectfully submitted that the rejection of claims 7 and 8 under 35 U.S.C. §103(a), has been overcome.

Claim 9 was rejected under 35 U.S.C. §103(a) as being obvious from Klingler in view of Vermilye as applied above, and further in view of Japanese Publication No. 01214417.

The remarks previously made above in regard to Klingler and Vermilye are incorporated herein.

Japanese Publication No. 01214417 was merely cited for disclosing a mold with a bending mechanism.

However, the Japanese Publication also fails to cure any of the aforementioned deficiencies of Klingler, and particularly, with respect to elements a) - e) discussed above.

Accordingly, for the same reasons given above in regard to claim 1, it is respectfully submitted that the rejection of claim 9 under 35 U.S.C. §103(a), has been overcome.

Claim 10 was rejected under 35 U.S.C. §103(a) as being obvious from Klingler in view of Vermilye as applied above, and

further in view of U.S. Patent Publication No. 2005/0016660 to Herbst.

The remarks previously made above in regard to Klingler and Vermilye are incorporated herein.

Herbst was cited merely for disclosing an injection-molding die, which may contain multi-tiered dies.

First, Herbst has no relation at all to the subject matter of the present claimed invention. Herbst discloses an injection molding operation for CD/DVD boxes.

Thus, Herbst fails to cure any of the aforementioned deficiencies of Klingler, and particularly, with respect to elements a) - e) discussed above.

Accordingly, for the same reasons given above in regard to claim 1, it is respectfully submitted that the rejection of claim 10 under 35 U.S.C. §103(a), has been overcome.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

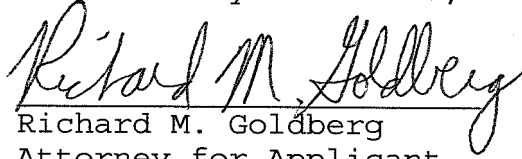
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The Commissioner is authorized to charge any additional fees
which may be required, or credit any overpayment to Deposit
Account No. 07-1524.

In view of the foregoing amendments and remarks, it is
respectfully submitted that Claims 1-11 are allowable, and early
and favorable consideration thereof is solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Richard M. Goldberg". The signature is written in dark ink and is positioned above the printed name and title.

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